E-filed on November 30, 2006

1 Marc A. Levinson (California Bar No. 57613) Bob L. Olson (Nevada Bar No. 3783) Lynn Trinka Ernce (California Bar No. 179212) Anne M. Loraditch (Nevada Bar No. 8164) 2 ORRICK, HERRINGTON & SUTCLIFFE LLP BECKLEY SINGLETON, CHTD. 400 Capitol Mall, Suite 3000 530 Las Vegas Boulevard South 3 Sacramento, CA 95814-4497 Las Vegas, NV 89101 Telephone: (916) 447-9200 Telephone: (702) 385-3373 4 Facsimile: (916) 329-4900 Facsimile: (702) 385-5024 bolson@beckleylaw.com; Email: malevinson@orrick.com; Email: 5 lernce@orrick.com aloraditch@becklevlaw.com 6 Attorneys for the Official Committee of Equity 7 Security Holders of USA Capital Diversified Trust Deed Fund, LLC 8 UNITED STATES BANKRUPTCY COURT 9 DISTRICT OF NEVADA 10 In re: Case No. BK-S-06-10725 LBR 11 USA COMMERCIAL MORTGAGE COMPANY, Case No. BK-S-06-10726 LBR Case No. BK-S-06-10727 LBR Debtor. 12 Case No. BK-S-06-10728 LBR In re: Case No. BK-S-06-10729 LBR USA CAPITAL REALTY ADVISORS, LLC, 13 Debtor. Chapter 11 In re: 14 USA CAPITAL DIVERSIFIED TRUST DEED Jointly Administered Under FUND, LLC, 15 Case No. BK-S-06-10725-LBR Debtor. 16 In re: NOTICE OF HEARING OF OMNIBUS USA CAPITAL FIRST TRUST DEED FUND, LLC, **OBJECTION OF THE OFFICIAL** 17 Debtor. COMMITTEE OF EQUITY SECURITY In re: **HOLDERS OF USA CAPITAL** 18 USA SECURITIES, LLC. DIVERSIFIED TRUST DEED FUND. Debtor. 19 LLC TO CLAIMS ON EQUITY MISFILED AS CREDITOR CLAIMS BY 20 Affects: WALTER C. & ENRIOUITA BELL. ☐ All Debtors FIRST SAVINGS BANK C/F JANICE 21 ☐ USA Commercial Mortgage Company WISE IRA, FIRST SAVINGS BANK C/F ☐ USA Securities, LLC KENNETH N. WISE IRA, THE 22 □ USA Capital Realty Advisors, LLC CHIAPETTA TRUST, PAT & JOHN ■ USA Capital Diversified Trust Deed Fund, LLC CHIAPETTA, TRUSTEE, SILVER 23 ☐ USA First Trust Deed Fund, LLC SAVER MORT., INC., E. LESLIE 24 COMBS, JRS, SHERRI Y. ALLEN, SAID MOBIN, JAMES C. AND 25 VELMA M. CONNICK, AND ROBERT J. AND LOIS MAE SCOTT 26 January 3, 2007 Date: 27 Time: 9:30 a.m. Courtroom: 28

{00342073;3}

| 1 | TO: WALTER C. & ENRIQUITA BELL |
|----|--|
| 2 | FIRST SAVINGS BANK C/F JANICE WISE IRA FIRST SAVINGS BANK C/F KENNETH N. WISE |
| 3 | THE CHIAPETTA TRUST, PAT & JOHN CHIAPETTA, TRUSTEE SILVER SAVER MORT., INC. |
| 4 | E. LESLIE COMBS, JRS SHERRI Y. ALLEN |
| 5 | SAID MOBIN |
| 6 | JAMES C. AND VELMA M. CONNICK ROBERT J. AND LOIS MAE SCOTT |
| 7 | DEBTOR ATTORNEYS FOR DEBTOR |
| 8 | U.S. TRUSTEE ALL PARTIES IN INTEREST |
| 9 | |
| 10 | NOTICE IS HEREBY GIVEN that the Official Committee of Equity Security Holders |
| 11 | of USA Capital Diversified Trust Deed Fund, LLC (the "Diversified Committee") filed its |
| 12 | Omnibus Objection of the Official Committee of Equity Security Holders of USA Capital |
| 13 | Diversified Trust Deed Fund, LLC To Claims on Equity Misfiled as Creditor Claims (the |
| 14 | "Objection"). The Objection is based upon the grounds that the proofs of claim described on |
| 15 | Exhibit "1" attached hereto are claims on equity interests of debtor USA Capital Diversified |
| 16 | Trust Deed Fund, LLC ("Diversified Fund") that have been erroneously filed as creditor claims |
| 17 | against Diversified Fund, and that Diversified Fund has no liability on account of such misfiled |
| 18 | claims. A copy of the Objection may be obtained at the bankruptcy court's website at |
| 19 | http://www.nvb.uscourts.gov/ or by contacting Beckley Singleton, Chtd. at (702) 385-3373. |
| 20 | Any Opposition must be filed pursuant to Local Rule 9014(d)(1). |
| 21 | Local Rule 9014(d)(1): "Oppositions to a motion must be filed and |
| 22 | service must be completed on the movant no later than fifteen (15) days after the motion is served except as provided by I.P. 3007(b) and I.P. |

service must be completed on the movant no later than fifteen (15) days after the motion is served except as provided by LR 3007(b) and LR 9006. If the hearing has been set on less than fifteen (15) days' notice, the opposition must be filed no later than five (5) business days before the hearing, unless the court orders otherwise. The opposition must set forth all relevant facts and any relevant legal authority. An opposition must be supported by affidavits or declarations that conform to the

provisions of subsection (c) of this rule."

Please carefully review the Omnibus Objection included with this Notice, particularly Exhibit 1 referenced above concerning your claim(s).

{00342073;3}

23

24

25

26

27

28

| 1 |
|----|
| 2 |
| 3 |
| 4 |
| 5 |
| 6 |
| 7 |
| 8 |
| 9 |
| 10 |
| 11 |
| 12 |
| 13 |
| 14 |
| 15 |
| 16 |
| 17 |
| 18 |
| 19 |
| 20 |
| 21 |
| 22 |
| 23 |
| 24 |
| 25 |
| 26 |
| 27 |
| 28 |

IF ANY CREDITOR SHOULD DISAGREE WITH THE DTDF COMMITTEE'S OBJECTION NOTED ABOVE, AND AS DISCUSSED IN THE OMNIBUS OBJECTION, SUCH CREDITOR MUST FILE A RESPONSE TO THE OMNIBUS OBJECTION AND SERVE IT UPON DTDF COMMITTEE'S COUNSEL NO LATER THAN DECEMBER 26, 2006.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice, then:

- The court may refuse to allow you to speak at the scheduled hearing; and
- The court may *rule against you* without formally calling the matter at the hearing.

NOTICE IS FURTHER GIVEN that the hearing on the said Objection will be held before a United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Blvd. South, Third Floor, Bankruptcy Courtroom No. 1, at Las Vegas, Nevada on <u>January 3, 2007</u> at the hour of 9:30 a.m.

Respectfully submitted this 30th day of November 2006.

BECKLEY SINGLETON, CHTD.

By: /s/Anne Loraditch
Bob L. Olson (Nevada Bar No. 3783)
Anne M. Loraditch (Nevada Bar No. 8164)
530 Las Vegas Boulevard South

Las Vegas, NV 89101

Marc A. Levinson (California Bar No. 57613) Lynn Trinka Ernce (California Bar No. 179212) ORRICK, HERRINGTON & SUTCLIFFE LLP 400 Capitol Mall, Suite 3000 Sacramento, CA 95814-4497

Attorneys for the Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC 1 2

EXHIBIT "1" **CLAIMS ON EQUITY**

Claim Claimant Claim Amount **Proposed** 3 No. Disposition Walter C. Bell & Enriquita Bell 4 46-1 Reclassify as proof \$50,000.00 of interest 5 47-1 First Savings Bank C/F Janice Wise IRA Reclassify as proof \$120,118.00 of interest 6 48-1 First Savings Bank C/F Kenneth N. Wise Reclassify as proof \$144,141.00 **IRA** of interest 7 49-1 The Chiapetta Trust Pat & John Chiapetta Reclassify as proof \$59,104.28 8 of interest Trustee 50-1 Silver Saver Mort., Inc. Reclassify as proof \$36,386.45 9 of interest E. Leslie Combs, Jrs. IRA #507 51-1 Reclassify as proof \$136,029.35 10 of interest 11 52-1 E. Leslie Combs, Jrs. Or Sherri Y. Allen Reclassify as proof \$48,530.85 of interest 12 54-1 Said Mobin \$24,220.26 Reclassify as proof of interest 13 55-1 James C. Connick & Velma M. Connick Reclassify as proof \$144,141.97 of interest 14 57-1 Robert J. Scott & Lois Mae Scott Reclassify as proof \$77,423.96 15 of interest 63-1 Said Mobin \$24,220.26 Disallow in its 16 entirety as 17 duplicative of Claim no. 54-1

18

19

20

21 22

23

24

25 26

27

28